

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, DC 20436

**MEMORANDUM ON PROPOSED TARIFF LEGISLATION
of the 110th Congress ¹**

[Date approved: October 6, 2008]²

Bill No. and sponsor: H.R. 5369 (Mr. J. Gresham Barrett of South Carolina).

Proponent name,³ location: FujiFilm Imaging Colorants Inc. (Avecia), Greenwood, SC.

Other bills on product (110th Congress only): None.

Nature of bill: Temporary duty suspensions through December 31, 2011.

Retroactive effect: None.

Suggested article description(s) for enactment (including appropriate HTS subheading(s)):

- 1) Trisubstituted oxazolidinone (CAS No. 860399-11-7) (provided for in subheading 2934.99.20).
- 2) Trisubstituted oxazolidinone (CAS No. 854602-01-0) (provided for in subheading 2934.99.20).
- 3) Naphtho[1,2-d]thiazolium, 2-[[5-chloro-3-(3-sulfopropyl)-2(3H)-benzothiazolylidene]methyl]-1-(3-sulfopropyl)-, inner salt, compound with N,N-diethylethanamine (1:1) (CAS No. 102731-88-4) (provided for in subheading 2934.99.20).
- 4) Benzothiazolium, 2-[[3-[(3,6-dimethyl-2(3H)-benzothiazolylidene)methyl]-5-phenyl-2-cyclohexen-1-ylidene]methyl]-3,6-dimethyl-, salt with 4-ethylbenzenesulfonic acid (1:1) (CAS No. 160911-24-0) (provided for in subheading 2934.99.20).
- 5) Benzoxazolium, 5-chloro-2-[2-[[5-phenyl-3-(2-sulfoethyl)-2(3H)-benzoxazolylidene]methyl]-1-butenyl]-3-(3-sulfopropyl)-, inner salt, compound with N,N-diethylethanamine (1:1) (CAS No. 106518-55-2) (provided for in subheading 2934.99.20).
- 6) Copoly[N-(4-sulfamoylphenyl) methacrylamide/ methylmethacrylate/acrylonitrile (CAS No. 141634-00-6) (provided for in subheading 3906.90.50).
- 7) 3-Pyrazolidinone, 4-hexadecyl-1-phenyl (CAS No. 202483-63-4) (provided for in subheading 2933.19.90).
- 8) Poly[(allyl 2-methyl-2-propenoate)-co-(cyclohexyl-2-hydroxymethyl-2-propenoate)-co-(2-propenoic acid)] (CAS No. 860399-10-6) (provided for in subheading 3208.90.00).

Check one: Same as that in bill as introduced
 Different from that in bill as introduced (see Technical comments section).

¹ Industry analyst preparing report: Stephen Wanser (202-205-3363); Tariff Affairs contact: David G. Michels (202-205-3440).

² Access to an electronic copy of this memorandum is available at http://www.usitc.gov/tata/hts/other/rel_doc/bill_reports/.

³ The sponsor/proponent did not identify any additional beneficiaries of this bill.

Product information, including uses/applications and source(s) of imports:

- 1) This material is a laser-absorbing dye that is used in the manufacture of digital lithographic printing plates.
- 2) This material is a laser-absorbing dye that is used in the manufacture of digital lithographic printing plates.
- 3) This raw material is used in photosensitive emulsion for color photographic paper.
- 4) This raw material is used in photosensitive emulsion for color photographic paper.
- 5) This raw material is used in photosensitive emulsion for color photographic paper.
- 6) This material is an acrylic binder that is used in the manufacture of digital lithographic printing plates.
- 7) This raw material is used in photosensitive emulsion for color photographic paper.
- 8) This material is an acrylic binder that is used in the manufacture of digital lithographic printing plates. The products are imported from Japan.

Estimated effect on customs revenue:

Total Revenue Loss for this Bill					
	2009	2010	2011	2012	2013
Customs revenue loss	\$149,924	\$149,924	\$149,924	\$149,924	\$149,924

Source of estimated dutiable import data: U.S. industry estimates.

HTS subheading: 2933.19.90					
	2009	2010	2011	2012	2013
Col. 1-General rate of duty	6.5%	6.5%	6.5%	6.5%	6.5%
Estimated value <i>dutiable</i> imports	\$535,988	\$535,988	\$535,988	\$535,988	\$535,988
Customs revenue loss	\$34,839	\$34,839	\$34,839	\$34,839	\$34,839

Source of estimated dutiable import data: U.S. industry estimates.

HTS subheading: 2934.99.20					
	2009	2010	2011	2012	2013
Col. 1-General rate of duty	6.5%	6.5%	6.5%	6.5%	6.5%
Estimated value <i>dutiable</i> imports	\$394,995	\$394,995	\$394,995	\$394,995	\$394,995
Customs revenue loss	\$25,675	\$25,675	\$25,675	\$25,675	\$25,675

Source of estimated dutiable import data: U.S. industry estimates.

HTS subheading: 3208.90.00					
	2009	2010	2011	2012	2013

HTS subheading: 3208.90.00					
Col. 1-General rate of duty	3.2%	3.2%	3.2%	3.2%	3.2%
Estimated value <i>dutiable</i> imports	\$864,700	\$864,700	\$864,700	\$864,700	\$864,700
Customs revenue loss	\$27,670	\$27,670	\$27,670	\$27,670	\$27,670

Source of estimated dutiable import data: U.S. industry estimates.

HTS subheading: 3906.90.50					
Col. 1-General rate of duty	2009	2010	2011	2012	2013
Col. 1-General rate of duty	4.2%	4.2%	4.2%	4.2%	4.2%
Estimated value <i>dutiable</i> imports	\$1,470,000	\$1,470,000	\$1,470,000	\$1,470,000	\$1,470,000
Customs revenue loss	\$61,740	\$61,740	\$61,740	\$61,740	\$61,740

Source of estimated dutiable import data: U.S. industry estimates.

Contacts with domestic firms/organizations (including the proponent):

Name of firm/organization	Date contacted	Claim US makes same or competing product(s)?	Submission attached?	Opposition noted?
			(Yes/No)	
Fuji Film Imaging Colorants Inc. (Proponent) Michael Gill, 202-508-8843 Pat McGlinchey, Fax: 302-447-8103	04/18/2008	No	No	No
3M Company Warren Webber, wjweber@mmm.com	04/18/2008	No	No	No
Abbott Laboratories Elaine Leavenworth, Fax: 202-783-6631	04/18/2008	No	No	No
American Chemistry Council Marty Durbin, Fax: 703-741-6097	04/18/2008	No	No	No
BASF Corporation Greg Thies, Fax: 703-255-7142	04/18/2008	No	No	No
Bayer Corporation Karen Niedermeyer, Fax: 412-777-4740 Julie Van Egmund, Fax: 202-737-8909	04/18/2008	No	No	No
Biddle Sawyer William Thonack, Fax: 212-239-1089	04/18/2008	No	No	No
Chemtura Corporation Matt Mattingley, Fax: 202-463-8497 Lloyd Moon, Fax: 203-573-2686	04/18/2008	No	No	No
Ciba Specialty Chemicals Michelle Forte, Fax: 914-785-4831 Robert Hurley, Fax: 202-289-3588	04/18/2008	No	No	No

Name of firm/organization	Date contacted	Claim US makes same or competing product(s)?	Submission attached?	Opposition noted?
		(Yes/No)		
Clariant Corporation Andrew Zamoyski, Fax: 202-248-9043	04/18/2008	No	No	No
Dow Chemical Lisa Schroeter, Fax: 202-429-3467	04/18/2008	No	No	No
DuPont Helen McMahon, Fax: 302-355-2994	04/18/2008	No	No	No
Eastman Chemical Company Greg Riddle, Fax: 212-835-1621	04/18/2008	No	No	No
Emerald Performance Materials Tom Dirmyer, Fax: 330-315-6480	04/18/2008	No	No	No
Honeywell International Art Simonetti, Fax: 202-662-2675	04/18/2008	No	No	No
Monsanto Corporation Grant Erdel, Fax: 202-789-1867	04/18/2008	No	No	No
Rhodia Dominick Cangiano, Fax: 609-860-2256	04/18/2008	No	No	No
Solutia Kassie D. Wooton, Fax: 314-674-1585	04/18/2008	No	No	No

Technical comments:⁴

The Commission staff notes that this bill is difficult to evaluate because the proposed headings do not contain verifiable CAS numbers. Moreover, the proposed article descriptions do not describe a particular chemical, and could be interpreted to include any number of chemicals, broadening the scope of the duty suspension to include products not intended to receive any temporary duty reductions. Without a verifiable CAS number or a clearer article description, it is difficult to determine the intended scope of the bill and to confirm whether the subject products are described and classified correctly. For these reasons, Customs may have difficulty administering these proposed duty suspensions as drafted.

⁴ The Commission may express an opinion on the HTS classification of a product to facilitate consideration of the bill. However, by law, only the U.S. Customs Service is authorized to issue a binding ruling on this matter. The Commission believes that the U.S. Customs Service should be consulted prior to enactment of the bill.

110TH CONGRESS
2^D SESSION

H. R. 5369

To suspend temporarily the duty on certain products.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 12, 2008

Mr. BARRETT of South Carolina introduced the following bill; which was referred to the Committee on Ways and Means

A BILL

To suspend temporarily the duty on certain products.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. CERTAIN PRODUCTS.**

4 (a) IN GENERAL.—Subchapter II of chapter 99 of
5 the Harmonized Tariff Schedule of the United States is
6 amended by inserting in numerical sequence the following
7 new headings:

“	9902.01.00	Trisubstituted oxazolidinone (CAS No. 860399-11-7) (provided for in subheading 2934.99.20)	Free	No change	No change	On or before 12/31/2011
	9902.01.00	Trisubstituted oxazolidinone (CAS No. 854602-01-0) (provided for in subheading 2934.99.20)	Free	No change	No change	On or before 12/31/2011

9902.01.00	Naphtho[1,2-d]thiazolium, 2-[[5-chloro-3-(3-sulfopropyl)-2(3H)-benzothiazolydene]methyl]-1-(3-sulfopropyl)-, inner salt, compd. with N,N-diethylethanamine (1:1) (CAS No. 102731-88-4) (provided for in subheading 2934.99.20)	Free	No change	No change	On or before 12/31/2011
9902.01.00	Benzothiazolium, 2-[[3-(3,6-dimethyl-2(3H)-benzothiazolydene)methyl]-5-phenyl-2-cyclohexen-1-ylidene]methyl]-3,6-dimethyl-, salt with 4-ethylbenzenesulfonic acid (1:1) (CAS No. 160911-24-0) (provided for in subheading 2934.99.20)	Free	No change	No change	On or before 12/31/2011
9902.01.00	Benzoxazolium, 5-chloro-2-[2-[[5-phenyl-3-(2-sulfoethyl)-2(3H)-benzoxazolylidene]methyl]-1-butenyl]-3-(3-sulfopropyl)-, inner salt, compound with N,N-diethylethanamine (1:1) (CAS No. 106518-55-2) (provided for in subheading 2934.99.20)	Free	No change	No change	On or before 12/31/2011
9902.01.00	Copoly[N-(4-sulfamoylphenyl)methacrylamide/methylmethacrylate/acrylonitrile (CAS No. 141634-00-6) (provided for in subheading 3906.90.50)	Free	No change	No change	On or before 12/31/2011
9902.01.00	3-Pyrazolidinone, 4-hexadecyl-1-phenyl (CAS No. 202483-63-4) (provided for in subheading 2933.19.90) ...	Free	No change	No change	On or before 12/31/2011
9902.01.00	Poly[(allyl 2-methyl-2-propenoate)-co-(cyclohexyl-2-hydroxymethyl-2-propenoate)-co-(2-propenoic acid)] (CAS No. 860399-10-6) (provided for in subheading 3208.90.00)	Free	No change	No change	On or before 12/31/2011

1 (b) EFFECTIVE DATE.—The amendment made by
2 subsection (a) applies to articles entered, or withdrawn
3 from warehouse for consumption, on or after the 15th day
4 after the date of the enactment of this Act.

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